

### **REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 12 is currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 12-16 remain pending in this application.

#### **Examiner Interview**

Applicants appreciate the telephone interview between Examiner Nguyen and Applicants' representative, Thomas Bilodeau, on October 13, 2004. Examiner Nguyen proposed amending claim 12 and canceling claims 15 and 16. Examiner Nguyen indicated that claim 12 would be allowable if amended as proposed. Applicants have amended claim 12 as proposed by the Examiner, and thus submit that claim 12 is now in *prima facie* condition for allowance. Claims 13 and 14 depend from claim 12, and are thus likewise in *prima facie* condition for allowance.

Examiner Nguyen also mentioned new references, U.S. Patent Nos. 5,486,812, 5,512,874 and 6,791,456. Examiner Nguyen indicated that he was considering applying one or more of these references against claims 15 and 16. Applicants respectfully request that Examiner Nguyen make these references of record in the application in the next response.

#### **Rejections under 35 U.S.C. § 103**

Claims 12 and 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,400,265 to Saylor et al. (hereafter "Saylor"). Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Saylor in view of U.S. Patent No. 5,892,442 to Ozery et al. (hereafter "Ozery"). These rejection are moot with respect to claims 12-14 in light of the amendment to claim 12 as proposed by the Examiner, as

discussed above. With respect to claims 15 and 16, applicants respectfully traverse for at least the following reasons.

Claim 15 recites “instructing at least one home security device in an area where the position of the vehicle is located to notify the at least one home security device of the occurrence of the unusual situation.” Applicants submit that Saylor fails to suggest at least this feature of claim 15. With respect to a similar limitation in claim 12, the Office Action states that Saylor discloses the invention (of claim 12) “except for: the central security device (130), receives alarm signal and position signal transmitted from the on-vehicle, will instructs the at least one home security device in the area to notify the unusual situation.” The Office Action argues, however, that it would have been obvious “to know that when the central security device receives the alarm information transmitted from the on-vehicle device, it will relay the unusual situation to notify the user about that situation in order to alert the user that his/her personal property has been stroke by a burglar.” Applicants respectfully disagree.

In claim 15, when the occurrence of an unusual situation (in a vehicle along with the position of the vehicle) is detected, at least one home security device in an area where the position of the vehicle is located is instructed to notify the at least one home security device of the occurrence of the unusual situation. Significantly, claim 15 does not specify whether or not the at least one home security device is the home security device of a user of the vehicle. Claim 15 is directed to notifying home security devices in an area including a vehicle generally, not to notifying specifically the home security device of a user of the vehicle.

Moreover, the Office Action provides no evidence or proper motivation for its suggested modification of the Saylor device. The Office Action’s suggested modification of Saylor comes not from a prior art reference, but solely from the Examiner having had the benefit of having reviewed applicant’s own disclosure. Thus, the motivation for such a modification does not come from the prior art, but only from applicants’ own disclosure. Such hindsight reconstruction of applicant’s invention is clearly improper.

Further, Saylor fails to recognize that when a center device detects unusualness and position of a vehicle in an area, the home security devices in the area generally should be

notified. For all the above reasons, the present invention of independent claim 15 is patentable over Saylor.

Moreover, Saylor may not be prior art to the present invention as claimed. The present application claims foreign priority to Japanese application 63390/2001, filed on March 7, 2001, *before* the filing date of Saylor of April 24, 2001. Thus, Saylor may not be prior art to the present invention as claimed, and applicants reserve the right to file a certified translation of the foreign priority document, Japanese application 63390/2001, to perfect their claim to priority, if a such a filing is deemed necessary.

Ozery was cited for allegedly disclosing a monitoring device for a security terminal being able to provide a warning to authorized personnel and frighten away unauthorized intruders, but fails to cure the deficiencies of Saylor.

Claim 16 is patentable over Saylor and Ozery for reasons analogous to claim 15.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date November 18, 2004 By Thomas Bilodeau

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5485  
Facsimile: (202) 672-5399

William T. Ellis  
Attorney for Applicant  
Registration No. 26,874

Thomas G. Bilodeau  
Attorney for Applicant  
Registration No. 43,438